

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

MICHAEL LANHAM,

Defendant.

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**22-CR-9-JLD-HKS**

**STATEMENT OF DEFENDANT WITH  
RESPECT TO SENTENCING FACTORS**

Brian P. Comerford, affirms under penalty of perjury that:

I am an Assistant Federal Public Defender in the Western District of New York and represent the Defendant, Michael Lanham, in the above-entitled action brought by the United States of America. I make this affirmation in accordance with the requirements of Section 6A1.2 of the Sentencing Guidelines, "Statement of Defendant with Respect to Sentencing Factors," as promulgated by the United States Sentencing Commission.

In accordance with those rules, it is hereby stated on behalf of the Defendant, that I have reviewed the Presentence Report and have discussed the same with Michael Lanham. There are no statements, conclusions or other information contained in that report which he disputes. Defendant accepts the Presentence Report in its full prepared form.

The Defendant requests that the Court advise him about all information which it will consider in imposing sentence which negatively impacts on the Defendant and about which the Defendant has no prior notice from the presentence report, including, but not limited to, *ex parte*

communications with United States Probation Officers and victims. *United States v. Mueller*, 168 F.3d 186 (5th Cir. 1999); *United States v. Corace*, 146 F.3d 51 (2d Cir. 1998); *United States v. Rivera*, 96 F.3d 41 (2d Cir. 1996).

**DATED:** Buffalo, New York, March 18, 2024

Respectfully submitted,

**/s/ Brian P. Comerford**

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**TO:** Caitlin Higgins  
Assistant United States Attorney

Lisa B. Ferraro  
United States Probation Officer